



PATENT
Customer No. 22,852
Attorney Docket No. 7883.0097-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Katherine S. TWEDEN et al.) Group Art Unit: 3738
)
Application No.: 10/639,614) Examiner: Unknown
)
Filed: August 11, 2003)
) Confirmation No. 5399
For: HEALING TRANSMYOCARDIAL)
IMPLANT)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

The documents listed on pages 1-2 of the Form PTO/SB/08 were previously considered in prior applications, Application No. 10/095,165, filed March 8, 2002, and Application No. 09/141,284, filed August 27, 1998, upon both of which Applicants rely for the benefits provided in 35 U.S.C. § 120. Copies of the foreign and non-patent literature documents listed on pages 3-12 of the Form PTO/SB/08 are attached.

Applicants respectfully request that the Examiner consider the listed documents and

indicate that they were considered by making appropriate notations on the attached Form PTO/SB/08.

Regarding the non-English language documents:

WO 96/32972 - An English language Abstract is submitted herewith. Moreover, U.S. Patent No. 6,458,323 B1 and U.S. Patent Application Publication No. 2003/0044315 A1 are believed to be English language counterpart applications of WO 96/32972.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please
charge the fee to our Deposit Account No. 06-0916.

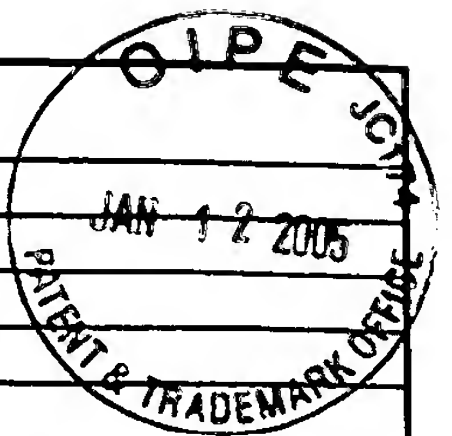
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 12, 2005

By: 
Michael W. Kim
Reg. No. 51,880

IDS Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known		
				Application Number		10/639.614
				Filing Date		August 11, 2003
				First Named Inventor		Katherine S. TWEDEN
				Art Unit		3738
				Examiner Name		Unknown
Sheet	1	of	12	Attorney Docket Number		7883.0097-02



U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		5,429,144 B1	07-04-1995	Wilk	
		5,449,373 B1	09-12-1995	Pinchasik et al.	
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		5,755,682 B1	05-26-1998	Knudson et al.	
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Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 97/27898 A1	08-07-1997	Transvascular, Inc.		
		WO 97/47651 A1	12-18-1997	Novo Nordisk A/S & Zymogenetics		
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		WO 98/08456 A1	03-05-1998	Transvascular, Inc.		
		WO 98/16172 A1	04-23-1998	Fouere, Alain		Abstract
		WO 99/17683 A1	04-15-1999	Percardia, Inc.		

NON PATENT LITERATURE DOCUMENTS
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Sheet	2	of	12	Attorney Docket Number	7883.0097-02

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
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Sheet	3	of	12	Attorney Docket Number	7883.0097-02

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		Number-Kind Code ⁸ (if known)			
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		Country Code ⁹ Number ¹⁰ Kind Code ¹¹ (if known)				
		WO 96/32972 A1	10-24-1996	Boekstegers, Peter		Abstract
		WO 99/38459 A2	08-05-1999	Wilk Patent Development Corporation		
		AU 757647 B2	02-27-2003	Wilk Patent Development Corporation		

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Examiner Initials	Cite No. ¹³	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

4

of

12

Complete if Known

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				Examiner Name	Unknown
Sheet	5	of	12	Attorney Docket Number	7883.0097-02

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT***(Use as many sheets as necessary)*

Sheet

6

of

12

Complete if Known*Application Number*

10/639.614

Filing Date

August 11, 2003

First Named Inventor

Katherine S. TWEDEN

Art Unit

3738

Examiner Name

Unknown

Attorney Docket Number

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT***(Use as many sheets as necessary)***Complete if Known**

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<i>Attorney Docket Number</i>	7883.0097-02

Sheet 7 of 12

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Sheet

8

of

12

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Sheet	9	of	12	Attorney Docket Number	7883.0097-02

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				Filing Date		August 11, 2003	
				First Named Inventor		Katherine S. TWEDEN	
				Art Unit		3738	
				Examiner Name		Unknown	
Sheet	10	of	12	Attorney Docket Number		7883.0097-02	

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Sheet	11	of	12	<i>Attorney Docket Number</i>	7883.0097-02

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Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.